

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SHIRLEY L. PHELPS-ROPER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:10-cv-2232 AGF
)	
COUNTY OF ST. CHARLES, MISSOURI,)	
)	
Defendant.)	

JOINT MOTION TO CONTINUE THE HEARING ON PRELIMINARY INJUNCTION

1. On December 20, 2010, Defendant notified Plaintiffs' counsel that they were "introducing [that evening] and expect[ed] passage of Emergency Bill No. 3683... which will repeal and re-enact section 210.207," the ordinance which Plaintiffs challenge here.

2. Defendant's counsel noted that the new Ordinance "would take effect in late January or early February 2011 [instead of January 3, 2011, as was the case with the original ordinance] depending on publication date, which [they] would anticipate to be post-Christmas."

3. The Parties' counsel immediately contacted chambers to alert them of the changed circumstances and the fact that passage (or not) of this Emergency Bill would not take place until that evening's Council Meeting.

4. The repeal and replacement ordinance passed 6-1.

5. While Plaintiffs could file their pending Reply Brief immediately and the Parties could comply with the scheduling order with respect to stipulation of all uncontested facts, a list of witnesses, etc., such that the hearing could still be held on December 22, 2010, if this Court so desires, it may be in the interest of judicial efficiency to continue this matter.

WHEREFORE, the Parties jointly move this Court to continue the hearing on preliminary injunction, request a new hearing date (on or about January 18-21), and a new scheduling order allowing for Plaintiffs' full review of the new ordinance and filing an amended complaint and amended motion for preliminary injunction (on or about December 30, 2010), Defendant's filing answer to amended complaint and response to amended motion for preliminary injunction (on or about January 6, 2011), and Plaintiffs filing their reply (on or about January 13, 2011), and briefing thereon.

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION
OF EASTERN MISSOURI

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was posted to CM/ECF on December 21, 2010, and therefore served on the following:

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